

# SixTen and Associates

## Mandate Reimbursement Services

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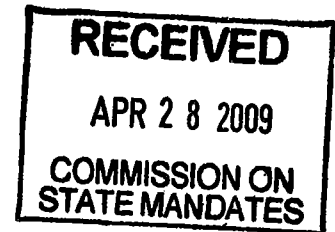
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April 27, 2009

Paula Higashi, Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814



Re: Test Claim 02-TC-21  
Contra Costa Community College District  
Proposed Parameters and Guidelines  
Tuition Fee Waivers

Dear Ms. Higashi:

I have received the Commission's Draft Parameters and Guidelines transmitted on April 1, 2009, with the Statement of Decision, to which I respond on behalf of the test claimant.

1. Clarification of Reimbursable Activities (1183.12 (b) (1))

None proposed.

2. Reasonable Methods of Complying (1183.12 (b) (2))

None proposed.

3. Reasonable Reimbursement Method (1183.12 (b) (3))

The test claimant does not believe the costs incurred for the approved activities are sufficiently related to any workload unit that could support a reasonable statewide reimbursement method for a significant part of the mandate.

4. Revenues and Reimbursements (1183.12 (b) (4))

There are no dedicated state or federal funds appropriated for this mandate. Section

VII already indicates a specific offset applicable to tuition fees for certain nonresident students. There are no known non-local agency funds dedicated to this mandate. There are no college district general purpose funds appropriated for this mandate.

5. Offsetting Savings (1183.12 (b) (5))

Offsetting savings are a question of law determined by the test claim adjudication pursuant to Government Code section 17556. The Commission did not identify any offsetting savings for any of the activities approved for reimbursement.

Objections to Content

PART IV. REIMBURSABLE ACTIVITIES

For the record and preservation of appeal rights, the test claimant objects to the boilerplate language regarding source documents, contemporaneous documents and corroborating evidence. It is a standard of general application without independent statutory or regulatory basis. It is a standard that generally exceeds the documentation methods utilized in the usual course of business for local agencies, and that required for substantiation of the use of, or application for, other state funds by local agencies. It is a standard imposed retroactively upon claimants without prior notice. These and other objections have been made before by local agency representatives in previous Commission proceedings. Notwithstanding, the standard has been adopted by the Commission as boilerplate for parameters and guidelines. Unless there is some interest by the Commission to revisit these issues, the parameters and guidelines can proceed since the boilerplate is consistent with past Commission decisions.

PART V. CLAIM PREPARATION AND SUBMISSION

Re: B. Indirect Cost Rates

For the record and preservation of appeal rights, the test claimant objects to the boilerplate language regarding the community college choice of indirect cost rate calculations, specifically, the Controller's FAM-29C methodology. It is a standard of general application without independent statutory or regulatory basis. It is a methodology that excludes other reasonable allocations of direct and indirect costs contrary to other state accounting procedures and generally accepted accounting principles. It is a standard imposed retroactively upon claimants without prior notice. These and other objections have been made before by local agency representatives in previous Commission proceedings. Notwithstanding, the standard has been adopted by the Commission as boilerplate for parameters and guidelines. Unless there is some interest by the Commission to revisit these issues, the parameters and guidelines can proceed since the boilerplate is consistent with past Commission decisions.

**PART VI. RECORD RETENTION**

For the record and preservation of appeal rights, the test claimant objects to the language regarding the documentation retention requirements. The Commission requires the claimants, as a condition of reimbursement, to retain claim documentation until the State Controller's statute of limitation for audit expires. Government Code Section 17558.5 provides no specific date for the termination of the documentation requirement. It is conditioned on subsequent independent actions by the state, that is, appropriations for mandate reimbursement, and subsequent independent acts by the Controller, that is, payment of a claim. There is no factual relationship between the content and integrity of the claim and the date of payment. Therefore, at the time the claim is filed, the claimant has no method to determine the documentation retention period, contrary to the purpose of the statute and these parameters and guidelines. It is a standard imposed retroactively upon claimants without prior notice. These and other objections have been made before by local agency representatives in previous Commission proceedings. Notwithstanding, the standard has been adopted by the Commission as boilerplate for parameters and guidelines. Unless there is some interest by the Commission to revisit these issues, the parameters and guidelines can proceed since the boilerplate is consistent with past Commission decisions.

**CERTIFICATION**

I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this document is true and correct to the best of my own knowledge or information or belief.

Sincerely,



Keith B. Petersen

C: Per COSM Distribution List Attached

1 **DECLARATION OF SERVICE**

2  
3 Re: Test Claim 02-TC-21  
4 Contra Costa Community College District  
5 Tuition Fee Waivers  
6

7 I declare:

8  
9 I am employed in the office of SixTen and Associates, which is the  
10 appointed representative of the above named claimant. I am 18 years of  
11 age or older and not a party to the entitled matter. My business address is  
12 3841 North Freeway Blvd, Suite 170, Sacramento, CA 95834.  
13

14 On the date indicated below, I served the attached letter dated April 27,  
15 2009, to Paula Higashi, Executive Director, Commission on State  
16 Mandates, to the Commission mailing list dated 03/30/2009 for this test  
17 claim, and to:  
18

19 Paula Higashi, Executive Director  
20 Commission on State Mandates  
21 980 Ninth Street, Suite 300  
22 Sacramento, CA 95814  
23

24 ☒ **U.S. MAIL:** I am familiar with the business  
25 practice at SixTen and Associates for the  
26 collection and processing of  
27 correspondence for mailing with the  
28 United States Postal Service. In  
29 accordance with that practice,  
30 correspondence placed in the internal mail  
31 collection system at SixTen and  
32 Associates is deposited with the United  
33 States Postal Service that same day in the  
34 ordinary course of business.  
35

36 ☐ **OTHER SERVICE:** I caused such  
37 envelope(s) to be delivered to the office of  
38 the addressee(s) listed above by:  
39

40 (Describe)  
41  
42

☐ **FACSIMILE TRANSMISSION:** On the  
date below from facsimile machine  
number (858) 514-8645, I personally  
transmitted to the above-named person(s)  
to the facsimile number(s) shown above,  
pursuant to California Rules of Court  
2003-2008. A true copy of the above-  
described document(s) was(were)  
transmitted by facsimile transmission and  
the transmission was reported as  
complete and without error.

☐ A copy of the transmission report issued  
by the transmitting machine is attached to  
this proof of service.

☐ **PERSONAL SERVICE:** By causing a true  
copy of the above-described document(s)  
to be hand delivered to the office(s) of the  
addressee(s).

43 I declare under penalty of perjury under the laws of the State of California that the  
44 foregoing is true and correct and that this declaration was executed on April 27, 2009,  
45 2009, at Sacramento, California.  
46

47   
48 Kristin M. Smith

## Commission on State Mandates

Original List Date: 6/3/2003  
Last Updated: 4/26/2007  
List Print Date: 03/30/2009  
Claim Number: 02-TC-21  
Issue: Tuition Fee Waivers

### Agenda Mailing List

#### TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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